

October 22, 1998


Martin D. Wade
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Federal Communications Commission
The Office of the Secretary
Dear Madam Secretary:

Enclosed you will find (18) Eighteen Copies of my Comments on WTT-Docket No.98-143 with RM-9148, RM-9150 and RM-9196 all with Original Signatures as per Commission rules.

I will also submit electronic files as required, timely.

Sincerely,



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/MDW

CC: MJDupont, Public Safety and Wireless Division
International Transcription Services, Inc.

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**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	WT Docket No. 98-143
)	
1998 Biennial Regulatory Review --)	RM-9148
Amendment of Part 97 of the Commission's)	RM-9150
Amateur Service Rules.)	RM-9196

COMMENTS ON WT DOCKET NUMBER 98-143

BY: Martin D. Wade, N5PZJ

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I. INTRODUCTION

1. Your petitioner, MARTIN D. WADE, POB 16, 16358 WEST AVE "A", GALLIANO, LOUISIANA 70354, holding Advanced Class License N5PZJ in the Amateur Service, serving as a Volunteer Examiner (VE), RACES Officer for Lafourche Parish, Louisiana and as an Official Observer in the OO Program as administered by the ARRL, The American Radio Relay League, Inc. wishes to comment on these matters before the Commission since as a licensee, he is directly affected by the Commission's Actions in these matters.

II. SUMMARY

2. In these Comments, I wish to comment on the proposal to modify The Amateur Radio Service rules as follows:

- o Reduce the number of license classes from 6 to 4.
- o Provide greater opportunities to volunteer examiners (VEs) to participate in the examination process.
- o Eliminate Radio Amateur Civil Emergency Service (RACES) licenses because the emergency communications that routinely are transmitted by RACES stations can be transmitted by primary, club or military recreation stations.

3. I wish to comment on ideas for improving the enforcement processes as they relate to amateur radio.

4. I also wish to comment on changes to the telegraphy requirements for the amateur radio service and to the written examinations that must be passed to qualify for an amateur radio license.

5. I also wish to comment on Question Pools and their content.

III. DISCUSSION

A. Number of License Classes

6. Before we can propose to reduce the number of classes of Licenses in the Amateur Radio Service, we must first examine a question of the telegraphy part of the requirements as not to create a wide gulf between the "No-Code" Technician and the General, Advance and Amateur Extra Classes, which will retain a code requirement. This will illustrate the logic of change needed to bring Amateur Radio in step with technology.

7. The first question is whether to do away with the Five (5)wpm code test and have just one speed or higher speeds and this, if adopted would shatter the ranks of Amateur Radio and not serve the purposes of the establishment of Amateur Radio as found in 47 C.F.R. Section 97.1.

8. The Second Question is to determine if we retain the 13 and 20 wpm code test or adopt a 10 wpm code test in lieu of other higher speeds.

9. The Novice Class, which was the entry class into Amateur Radio before the adoption of the codeless Technician Class should be modified and/or eliminated as a class as the Third Question and the Technician Plus License as the Fourth Question.

10. The First Question and the Second Question could set a new course and tone for the Amateur Radio Service as placed forth by the ARRL Proposal, viz., by placing less emphasis on the code as is the case in most countries and allowing the question pool to cover the currently used digital modes in an expanded mode. The (5) Five WPM test should be kept as an element and used as the entry level code test, the adoption of the (10) Ten WPM Code test in place of the presently used (13) Thirteen WPM and (20) Twenty WPM would work to eliminate the amount of manpower needed to administer an examination, by adopting (10) Ten WPM, the amount of time needed to learn the code would not be a deterrent to learning the code, the amount of Physician Exemptions would dwindle due to the ease of learning the reduced speed and would serve to keep code as a part of Amateur Radio while not creating an insurmountable barrier to obtaining an Amateur License with HF privileges.

11. The novice class should be eliminated over the next (10) Ten Years with a sunset period to allow the current Novices a chance to upgrade to a higher class of license. The present licensees should be permit to renew during the sunset period and operate with current privileges but not indefinitely since this would defeat the purpose of streamlining the Amateur Radio Service Rules.

12. The Technician Plus Class should likewise be eliminated over the next (10) Ten Years with the (5) Five WPM code credit carried indefinitely. The Technician Plus License would be made a Technician Class with code credit after the sunset period.

13. The General Class License should only be required to demonstrate a (5) Five WPM code test as well as the written element now required. This would allow the Novice Class Operator only to pass the written Technician Class Element as well as the General Element with credit to be given for the (5) Five WPM Code Test. The Technician Class Licensee which holds a permit for that class issued before 1987 would automatically become General Class, Technician Class Licensees licensed before 1992 would only be required to pass the written General Class Element with credit given for the code element.

14. The Advanced and Amateur Extra Classes would be required to pass the (10) Ten WPM code test as well as the respective written elements which should lean toward the new technological advances in digital communication in order to keep the Amateur Radio Service on the frontier of the Radio Art as contained in Part 97, CFR 47.

B. Greater Volunteer Examiner Opportunities

15. Currently, an Advanced Class operator cannot prepare or administer a telegraphy examination for an examinee for a General Class license. Only an Amateur Extra Class licensee can administer that examination. The ARRL requested in RM-9148 that the Amateur Radio Service rules be amended to permit Advanced Class operators who are VEs to prepare and administer examinations for a General Class operator license. The ARRL argues that this is consistent with the Communications Act and will help fulfill the need for more volunteer examiners. I request that this policy be adopted to allow Advanced Class operators to prepare and administer examinations for the General Class operator license. As proposed by the Commission, on their own motion, to permit General Class operator licensees to prepare and administer examinations for Technician Class operator licenses, I agree. In all cases, examiners will be administering only elements which they themselves have received credit for. These proposals will benefit potential amateur service licensees by having additional volunteer examiners available for the examinations. This will increase the opportunities to obtain Amateur Licenses and is in the full intent of the Volunteer Examiner Program.

C. RACES Station Licenses

16. The Radio Amateur Civil Emergency Service (RACES) is a radio service using amateur stations for civil defense communications during periods of local, regional or national civil emergencies. No new RACES station licenses have been granted since July 14, 1980. The Commission discontinued issuing new RACES licenses in order to conserve Commission manpower and resources. At the time of that action, there were 611 RACES licenses. Currently, there are only 249 RACES licenses.

17. The distinct callsign issued to Civil Defense Organizations under the RACES program helps to identify Government RACES stations. Since the Commission has not issued any new licenses since July 14, 1980, the *status quo* by not issuing any new RACES station licenses has been maintained and by eliminating the RACES licenses, the Commission would be taking a step to conserve the Commission's financial resources, but will also eliminate licensing duplication but increase confusion as to who is RACES in an emergency. It should be emphasized that the same emergency communications that are now transmitted by RACES stations can continue to be transmitted by primary, club or military recreation stations. Part 97 permit two types of stations to operate as part of RACES: (1) a licensed RACES station, and (2) any amateur station that has been properly registered with a civil defense organization. Thus, to engage in RACES communications, it is not necessary to have a RACES license with a separate and distinct call sign yet the distinct callsigns help stations stand out and be identified as a RACES station. RACES Callsigns should be treated as any other Club callsign and allowed to be placed in the Vanity Callsign System. Before any action, the Commission should further study the RACES Program and its place in Part 97.

D. Privatization of Certain Enforcement Procedures

18. The enforcement of FCC Regulations has been dismal with a few spots of enforcement on high visibility cases. The Amateur Auxiliary could be used to a greater degree by Commission Personnel by the adoption of direct points of contact between the Amateur Auxiliary and Commission on the local level. At the present, the single point of contact does not allow for rapid dissemination of information between the Amateur Auxiliary and the Commission. Here are several suggestions to improve this relationship and obtain better enforcement results:

A. Encourage persons in the Amateur Auxiliary bringing complaints to the Commission to include a draft order to show cause to initiate a revocation or cease and desist order as proposed by the Commission.

B. Develop a comprehensive guide to the Formal Hearings and Administrative Law Judge duties and responsibilities as to give the individual Amateur Auxiliary Member an understanding of their role and limitations, also in such a guide, place the clear and concise guidelines under which the Amateur Auxiliary functions.

C. Develop local contact points for problems which require immediate attention such as illegal operations by pirate operators, operations by unlicensed entities, interference between stations in different Services, i.e. Amateur-Citizen Band or Amateur-Commercial Service.

D. Institute a Toll-Free number to central reporting area for members of the Amateur Auxiliary whereas items not reportable to the local office (e.g. HF violations, suspicion of radios used in the commission of illegal activities, etc.) or where there is no convenient local officer and/or office.) The main purpose of this duty officer concept would be to have a central log of problem areas and documentation of serious violations.

E. Use verifiable information taken by Volunteers which leaves no doubt as to the authenticity to the information without having the enforcement division to independently corroborate any volunteer-gathered evidence. The present policy of having the enforcement division collaborate any outside evidence gathered slows the process of enforcement given the resource limitations of the Commission's Compliance and Information Bureau. By having the volunteers place themselves under oath and allowing the legal proceeding to continue only after determination of probable cause exists then hearings should be held on the subject matter.

F. The recent institution of an Amateur Enforcement phone line is a step towards the establishment of the concept expressed herein without the live duty officer to determine if the violation warrants further investigation. This enforcement action line could be shared between many different radio services and this would help implement the problem resolution agreements that are found in other services as well.

G. By the use of advanced equipment such as Automatic recorders, Doppler Systems with Computerized Triangulation, and remote monitoring sites which could be deployed and then checked on by Commission Personnel as well as the Amateur Auxiliary, a rapid deployment of equipment of this nature would allow the Commission to check on hot spots as well as gather evidence by remote means. The concept has merit and it is in the Public Interest, necessity and Convenience to carry out the mandate under the Communication Act of 1934 as Amended.

H. In closing on the Amateur Auxiliary, a closer relationship between the Commission Compliance and Enforcement Group, Field Agents and the Amateur Auxiliary Member should be sought in order to create a local response team which can better gauge the problems encountered, determine the best course of action and to be sure that due process is afforded all persons.

19. Your Petitioner, is an Official Observer under the ARRL in the Amateur Auxiliary and the biggest problem encountered by my experience is the proliferation of illegal operators operating in Amateur Radio notably, the Two Meter Band, and Ten Meter Band. The other big problem is malicious interference and nipping it in the bud, we avoid problems that carry themselves into other radio services and have the potential to be a threat to safety and life issues. The general perception on the street is that the Commission has either lost interest or does not care, this in turn fuels the notion that illegal use of spectrum or violations of the Commission Rules and Regulations will not be prosecuted, so it becomes a vicious circle which could be broken by simple application of the enforcement stick.. There is a great deal of self-compliance in the Amateur Community yet The Amateur Auxiliary does have a part to play and the Volunteers need to have direct access to the Commission at all times in order to bring serious violations to heed in a timely manner. By using the Amateur Auxiliary to be the extended presence of the Commission, the presence of the Commission will help to keep order in the radio spectrum as a whole.

E. Telegraphy Examination Requirements

20. True, in the early days of amateur radio, radiotelegraphy was the primary communication mode of all radio operators, including amateurs. Testing for knowledge of Morse code telegraphy was necessary to ensure that amateurs could recognize and stay away from Government and commercial stations as well as stay clear of maritime distress messages. Today, radiotelegraphy is just one facet of many diverse modes of radio communication that require a technologically literate licensee. In 1990, in response to the sentiment of the amateur community, the Commission established a codeless Technician Class operator license. In so doing, the amateur service should attract technically inclined persons. At that time it was also stated that the Commission believed that telegraphers would be in less demand than electronics and communications experts. Therefore, codeless Technician License provided an entry level opportunity to otherwise qualified persons who found that telegraphy was a barrier to pursuing the purposes of the amateur service. Those purposes include encouragement and improvement of the amateur service by providing opportunities for advancing both communication and technical skills, and the expansion of the existing reservoir within the amateur radio service of trained operators, technicians and electronics experts.

21. The decreasing role of telegraphy as a communications mode also is demonstrated in the implementation of the Global Maritime Distress and Safety System (GMDSS). In permitting GMDSS to replace the mandatory Morse code equipment and operator, the Maritime industry made the movement to newer and better technology for distress situations. The GMDSS relies on satellite and automated terrestrial communications systems for distress and safety communications. The Commission noted that by incorporating these advanced communications techniques into the safety system, GMDSS would significantly improve safety of life and property at sea throughout the world.

22. The international *Radio Regulations (Radio Regulations)* that apply to the Amateur Radio Service require that all amateurs licensed to operate below 30 MHz demonstrate their ability "to send correctly by hand and to receive correctly by ear, texts in Morse code signals." The *Radio Regulations* do not specify any particular speed.

23. In view of changes in the technologies that amateurs use to communicate generally, and views with regard to the Morse code requirement specifically, the three levels of 5, 13, and 20 wpm are not relevant to today's communications practices. The code is not used by the Maritime Industry nor by Commercial Communication Circuits, replaced by faster digital modes with greater accuracy. We continue to have three different levels even though two levels would be more than fulfill the requirements, (5) Five WPM and (10) Ten WPM. We should we add elements to the written examination to ensure a working knowledge of the newer digital technologies which, in part, are replacing the Morse code. The best and fairest method of examining for Morse code proficiency is copying one out of five minutes sent, instead of allowing VEs to determine how to test for code speed, this will eliminate guessing and give a clear understanding of the applicants knowledge of Morse Code.

24. Additionally, in RM-9196, the ARRL requested amendment of the amateur rules which allow telegraphy examination credit for the higher telegraphy speeds to examinees with a disability. Specifically, the ARRL requests that the examinee be required to attempt the higher-speed telegraphy examination before examination credit is given pursuant to a doctor's certification. In addition, the ARRL requests that volunteer-examiner coordinators (VECs) be authorized to request medical information from the certifying physician pertaining to the examinee's disability. It should be noted that these issues only remain relevant if we retain the higher telegraphy speeds requirement, since if the requirement were eliminated, a person with a disability would not have to apply for examination credit. Ten WPM (10) should allow some leeway and if a medical condition exists, then it should be handled as it is presently. The Privacy concerns about a person's medical condition is one that should remain between his or her attending physician and the examinee. To allow non-medically qualified persons to make medical judgments and subject the examinee to ridicule or derision due to a medical or physical condition is a position which can not be allowed nor tolerated by the Commission nor any of its volunteers. I respectfully ask that this item be rejected in the public interest.

F. Written Examinations

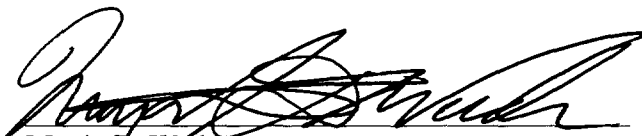
25. As the system presently exists, it should be left. The VECs set up the question pool on a volunteer basis without cost to the Commission but to allow the individual VECs or VEs alter the questions in any form could lead to the creation of extremely easy or extremely difficult examinations. We must strive to keep the examination questions fair and workable for every applicant as to prevent any compromise on the standards of the examination. I respectfully ask the Commission to keep the examination as to question pools kept in the open domain in the public interest.

26. The VECs, however, should be allowed some latitude in deciding which group and topics to cover and in which proportion due to the changing technologies and regulations. This should be as to effectively test the applicants current knowledge of the subject matter in use. The leeway requested should be codified in Part 97 by allowing the VECs themselves to decide which topics to cover in future examinations.

27. By allowing VEs to change or modify tests could lead to very hard or very easy exams given to the dismay of the Amateur Radio Service. As a VE, by having a guideline set down by the VEC would eliminate this temptation and ensure the interest of the General Public is being met by having a standard type exam with the context of the exam outlined by Federal Regulation by the VEC System. It is not in the Public Interest to have different types of exams unless the purpose would be to accommodate a person who is disabled or otherwise handicapped.

CONCLUSION

28. Your Petitioner, Martin D. Wade, respectfully submits these comments before the Federal Communications Commission, Washington, DC. on this 22nd Day of October, 1998.



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